



Substitute Senate Bill No. 1003

Public Act No. 17-87

***AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES
CONCERNING THE CRIMINAL JUSTICE SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 19a-343 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) For the purposes of [sections 19a-343] this section and sections 19a-343a to 19a-343h, inclusive, a person creates or maintains a public nuisance if such person erects, establishes, maintains, uses, owns or leases any real property or portion [thereof] of such property for (1) any of the purposes enumerated in subdivisions (1) to (6), inclusive, of subsection (c) of this section, or (2) on which any of the offenses enumerated in subdivisions (1) to (14), inclusive, of subsection (c) of this section have occurred.

(b) The state has the exclusive right to bring an action to abate a public nuisance under this section and sections 19a-343a to 19a-343h, inclusive, involving any real property or portion [thereof] of such property, commercial or residential, including single or multifamily dwellings, provided there have been three or more arrests, the issuance of three or more arrest warrants indicating a pattern of criminal activity and not isolated incidents or the issuance of three or

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more citations for a violation of a municipal ordinance as described in subdivision (14) of subsection (c) of this section, for conduct on the property documented by a law enforcement officer for any of the offenses enumerated in subdivisions (1) to (14), inclusive, of subsection (c) of this section [within the three hundred sixty-five days] during the three-hundred-sixty-five-day period preceding commencement of the action.

(c) Three or more arrests, the issuance of three or more arrest warrants indicating a pattern of criminal activity and not isolated incidents or the issuance of three or more citations for a violation of a municipal ordinance as described in subdivision (14) of this subsection, for the following offenses shall constitute the basis for bringing an action to abate a public nuisance:

(1) Prostitution under section 53a-82, 53a-83, 53a-86, 53a-87, 53a-88 or 53a-89.

(2) Promoting an obscene performance or obscene material under section 53a-196 or 53a-196b, employing a minor in an obscene performance under section 53a-196a, importing child pornography under section 53a-196c, possessing child pornography in the first degree under section 53a-196d, possessing child pornography in the second degree under section 53a-196e or possessing child pornography in the third degree under section 53a-196f.

(3) Transmission of gambling information under section 53-278b or 53-278d or maintaining of a gambling premises under section 53-278e.

(4) Offenses for the sale of controlled substances, possession of controlled substances with intent to sell, or maintaining a drug factory under section 21a-277, 21a-278 or 21a-278a or use of the property by persons possessing controlled substances under section 21a-279. Nothing in this section shall prevent the state from also proceeding

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against property under section 21a-259 or 54-36h.

(5) Unauthorized sale of alcoholic liquor under section 30-74 or disposing of liquor without a permit under section 30-77, or sale or delivery of alcoholic liquor to any minor under subdivision (1) of subsection (b) of section 30-86 or the sale, delivery or giving of alcoholic liquor to a minor under subdivision (2) of subsection (b) of section 30-86.

(6) Maintaining a motor vehicle chop shop under section 14-149a.

(7) Inciting injury to persons or property under section 53a-179a.

(8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55, 53a-56 or 53a-56a.

(9) Assault under section 53a-59, 53a-59a, subdivision (1) of subsection (a) of section 53a-60 or section 53a-60a or 53a-61.

(10) Sexual assault under section 53a-70 or 53a-70a.

(11) Fire safety violations under section 29-292, subsection (b) of section 29-310, or section 29-315, 29-320, 29-329, 29-337, 29-349 or 29-357.

(12) Firearm offenses under section 29-35, 53-202aa, 53-203, 53a-211, 53a-212, 53a-216, 53a-217 or 53a-217c.

(13) Illegal manufacture, sale, possession or dispensing of a drug under subdivision (2) of section 21a-108.

(14) Violation of a municipal ordinance resulting in the issuance of a citation for (A) excessive noise on nonresidential real property that significantly impacts the surrounding area, provided the municipality's excessive noise ordinance is based on an objective standard, (B) owning or leasing a dwelling unit that provides residence

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to an excessive number of unrelated persons resulting in dangerous or unsanitary conditions that significantly impact the safety of the surrounding area, or (C) impermissible operation of (i) a business that permits persons who are not licensed pursuant to section 20-206b to engage in the practice of massage therapy, or (ii) a massage parlor, as defined by the applicable municipal ordinance, that significantly impacts the safety of the surrounding area.

Sec. 2. Subsection (b) of section 21a-283 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(b) The Division of Scientific Services within the Department of Emergency Services and Public Protection shall establish the standards for analytical tests to be conducted with respect to controlled drugs, or with respect to body fluids believed to contain alcohol, by qualified professional toxicologists and chemists operating under the division's direction and shall have the general responsibility for supervising such analytical personnel in the performance of such tests. The original report of an analysis made by such analytical personnel of the Division of Scientific Services or by a qualified toxicologist, pathologist or chemist of a laboratory of the United States Bureau of Narcotics shall be signed and dated, either by hand or electronically, by the analyst actually conducting the tests and shall state the nature of the analytical tests or procedures, the identification and number of samples tested and the results of the analytical tests. A copy of such report certified by the analyst shall be received in any court of this state as competent evidence of the matters and facts therein contained at any hearing in probable cause, pretrial hearing or trial. If such copy is to be offered in evidence at a trial, the attorney for the state shall send a copy thereof, by certified mail, to the attorney of the defendant who has filed an appearance of record or, if there is no such attorney, to the defendant if such defendant has filed an appearance pro se, and such attorney or

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defendant, as the case may be, shall, [within] not later than five days [of] after the receipt of such copy, notify the attorney for the state, in writing, if such attorney or defendant intends to contest the introduction of such certified copy. No such trial shall commence until the expiration of such five-day period and, if such intention to contest has been filed, the usual rules of evidence shall obtain at such trial.

Sec. 3. Section 53-39a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

Whenever, in any prosecution of [an officer of the Division of State Police within the Department of Emergency Services and Public Protection, or a member of the Office of State Capitol Police or] any member of a law enforcement unit, as defined in section 7-294a, any person appointed under section 29-18 as a special policeman for the State Capitol building and grounds, the Legislative Office Building and parking garage and related structures and facilities, and other areas under the supervision and control of the Joint Committee on Legislative Management, or [a local police department] any inspector in the Division of Criminal Justice for a crime allegedly committed by such [officer] member, person or inspector in the course of [his] duty, [as such,] the charge is dismissed or the [officer] member, person or inspector found not guilty, such [officer] member, person or inspector shall be indemnified by [his] such member's, person's or inspector's employing governmental unit for economic loss sustained by [him] such member, person or inspector as a result of such prosecution, including the payment of attorney's fees and costs incurred during the prosecution and the enforcement of this section. Such [officer] member, person or inspector may bring an action in the Superior Court against such employing governmental unit to enforce the provisions of this section.

Sec. 4. Section 53a-28a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

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All financial obligations ordered pursuant to subsection (c) of section 53a-28 may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the obligation is owed. Such obligations may be enforced at any time during the ~~[ten-year]~~ twenty-year period following the offender's release from confinement or ~~[within ten]~~ not later than twenty years ~~[of]~~ after the entry of the order and sentence, whichever is longer.

Sec. 5. Section 53a-123 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is guilty of larceny in the second degree when he commits larceny, as defined in section 53a-119, and: (1) The property consists of a motor vehicle, the value of which exceeds ten thousand dollars, (2) the value of the property or service exceeds ten thousand dollars, (3) the property, regardless of its nature or value, is taken from the person of another, (4) the property is obtained by defrauding a public community, and the value of such property is two thousand dollars or less, (5) the property, regardless of its nature or value, is obtained by embezzlement, false pretenses or false promise and the victim of such larceny is sixty years of age or older, or is a conserved person, as defined in section 45a-644, or is blind or physically disabled, as defined in section 1-1f, or (6) the property, regardless of its value, consists of wire, cable or other equipment used in the provision of telecommunications service and the taking of such property causes an interruption in the provision of emergency telecommunications service.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (1) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number

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shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the second degree is a class C felony.

Sec. 6. Section 54-86d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

Any person who has been the victim of a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, or injury or risk of injury, or impairing of morals under section 53-21, or of an attempt thereof, or family violence, as defined in section 46b-38a, shall not be required to divulge his or her address or telephone number during any trial or pretrial evidentiary hearing arising from the sexual assault, voyeurism or injury or risk of injury to, or impairing of morals of, a child, or family violence; provided the judge presiding over such legal proceeding finds: (1) Such information is not material to the proceeding, (2) the identity of the victim has been satisfactorily established, and (3) the current address of the victim will be made available to the defense in the same manner and time as such information is made available to the defense for other criminal offenses.

Sec. 7. Section 54-86e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

The name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, or injury or risk of injury, or impairing of morals under section 53-21, or of an attempt thereof, or family violence, as defined in section 46b-38a and such other

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identifying information pertaining to such victim as determined by the court, shall be confidential and shall be disclosed only upon order of the Superior Court, except that (1) such information shall be available to the accused in the same manner and time as such information is available to persons accused of other criminal offenses, and (2) if a protective order is issued in a prosecution under any of said sections, the name and address of the victim, in addition to the information contained in and concerning the issuance of such order, shall be entered in the registry of protective orders pursuant to section 51-5c.

Sec. 8. Section 2 of public act 11-252, as amended by section 3 of public act 12-111 and section 11 of public act 14-233, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established an Eyewitness Identification and Emerging Technologies Task Force to [study issues concerning eyewitness identification in criminal investigations and the use of sequential live and photo lineups. The task force shall examine: (1) The science of sequential methods of conducting a live lineup and a photo lineup, (2) the use of sequential lineups in other states, (3) the practical implications of a state law mandating sequential lineups, and (4) such other topics as the task force deems appropriate relating to eyewitness identification and the provision of sequential lineups] assist the Police Officer Standards and Training Council and the Division of State Police within the Department of Emergency Services and Public Protection in the development of policies and guidelines for law enforcement agencies concerning (1) eyewitness identification procedures, (2) the use of other emerging technologies to promote effective law enforcement and preventive measures to preclude the use of such technologies for criminal purposes, and (3) such other topics related to eyewitness identification and emerging technologies as the task force deems appropriate.

(b) The task force shall consist of the following members or their

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designees: The chairpersons and ranking members of the joint standing committee of the General Assembly on the judiciary; the Chief State's Attorney; the Chief Public Defender; the Victim Advocate; an active or retired judge appointed by the Chief Justice of the Supreme Court; a municipal police chief appointed by the president of the Connecticut Police Chiefs Association; the director of the Division of Scientific Services within the Department of Emergency Services and Public Protection; a representative of the Police Officer Standards and Training Council; a representative of the State Police Training School appointed by the Commissioner of Emergency Services and Public Protection; a representative of the criminal defense bar appointed by the president of the Connecticut Criminal Defense Lawyers Association; a representative from the Connecticut Innocence Project; and six public members, including the dean of a law school located in this state and a social scientist, appointed one each by the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives.

(c) The task force may solicit and accept gifts, donations, grants or funds from any public or private source to assist the task force in carrying out its duties.

(d) The task force shall report its findings and recommendations to the joint standing committee of the General Assembly on the judiciary in accordance with section 11-4a of the general statutes [not later than April 1, 2012] as the task force deems appropriate.

[(e) After submitting the report required under subsection (d) of this section, the task force shall continue in existence for the purpose of (1) assisting the Police Officer Standards and Training Council and the Division of State Police within the Department of Emergency Services and Public Protection in the development of policies and guidelines for

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the conducting of eyewitness identification procedures by law enforcement agencies as required by subsection (b) of section 54-1p of the general statutes, (2) researching and evaluating best practices in the conducting of eyewitness identification procedures as such practices may change from time to time, and recommending such revised best practices to the Police Officer Standards and Training Council and the Division of State Police within the Department of Emergency Services and Public Protection, (3) collecting statistics concerning the conducting of eyewitness identification procedures by law enforcement agencies, and (4) monitoring the implementation of section 54-1p of the general statutes. The task force shall report the results of such monitoring, including any recommendations for proposed legislation, to the joint standing committee of the General Assembly on the judiciary in accordance with section 11-4a of the general statutes not later than February 5, 2014.

(f) After submitting the report required under subsection (e) of this section, the task force may continue in existence until June 30, 2016, for the purpose set forth in subdivision (3) of subsection (e) of this section, to collect and assist in the archiving of eyewitness identification procedures used by law enforcement agencies in this state, and to consider best practices in eyewitness identification procedures adopted by law enforcement agencies in other states, provided members of the task force and advisors to the task force shall receive no compensation for their services.]

Sec. 9. Section 51-279e of the general statutes is repealed. (*Effective July 1, 2017*)

Approved June 27, 2017